

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE: BRYAN PETER FERNANDES
DEBTOR**

**CASE NO: 19-11032
CHAPTER 13**

MOTION TO COMPEL TURNOVER

COMES NOW the Chapter 7 Trustee and files this Motion to Compel Turnover and states as follows:

1. Debtor filed this chapter 7 case on March 11, 2019.
2. On that date debtor had a balance in his bank account of \$6,053.46.
3. The bank account is property of the bankruptcy estate.
4. Debtor originally claimed an exemption in the bank account of pursuant to Miss. Code Ann. § 85-3-4.
5. The undersigned filed an objection to this claimed exemption and debtor amended Schedule C to remove the exemption.
6. The undersigned requests this Court require the debtor to turn over the funds as these funds are not exempt.
7. The debtor has only two creditors listed in his schedules. One is a mortgage that he intends to reaffirm. The other is a general unsecured non-priority debt for a deficiency balance on a repossessed vehicle in the amount of \$9,602.74.
8. The funds from debtor's bank account will result in a meaningful distribution to creditors as over half of the total general unsecured creditors will

be paid.

WHEREFORE, the trustee prays that this Court enter an order demanding the debtor turn over the \$6,053.46 from debtor's bank account.

RESPECTFULLY submitted, this the 24th day of April 2019.

_____/s/William L. Fava_____
WILLIAM L. FAVA (MSB# 101348)
Chapter 7 Trustee

7165 Swinnea Rd., Bldg. A Ste. 1
P.O. Box 783
Southaven, MS 38671
(662) 536-1116

CERTIFICATE OF SERVICE

I, William L. Fava, Chapter 7 Trustee, do hereby certify that I have this day mailed a true and correct copy of the above Motion to Compel Turnover to the following:

Locke D. Barkley
Via ECF at sbeasley@barkley13.com

U.S. Trustee
Via ECF at USTPRegion05.AB.ECF@usdoj.gov

Olufemi Salu
Via ECF at salu@salulawfirm.com

DATED: April 24, 2019

/s/William L. Fava
WILLIAM L. FAVA
Chapter 7 Trustee

7165 Swinnea Rd., Bldg. A Ste. 1
P.O. Box 783
Southaven, MS 38671
(662) 536-1116